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*Counsel to the Debtor
and Debtor-in-Possession*

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

-----X Chapter 11

In re: Case No. 21-42682-ess

BK AUTUMN 701, LLC,

Debtor,

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**STIPULATION AND ORDER BY AND BETWEEN THE DEBTOR AND THE NEW
YORK CITY WATER BOARD RESOLVING MOTION TO RECLASSIFY PROOF OF
CLAIM NO. 2 -1**

WHEREAS, on June 28, 2022, the Debtor filed a motion (“Motion”), pursuant to 11 U.S.C. §§ 506, 502; and E.D.N.Y. L.B.R. 3007-1, to reclassify the claim of the New York City Water Board (“Water Board”), from secured to unsecured [Dkt. No. 32], and;

WHEREAS, on July 21, 2022, the City of New York filed its opposition to the Motion, [Doc. No. 47]; and

WHEREAS, the Debtor and the City of New York desire to mutually resolve the issues raised by the Motion.

IT IS NOW, THEREFORE, STIPULATED AND AGREED by and between the parties hereto as follows:

1. The Debtor's Second Amended Plan, (the "Plan"), filed with this Court on July 18, 2022, [Doc. No. 44] is hereby amended by virtue of the instant Stipulation with respect to the treatment of the claim of the Water Board as follows:
2. The Secured Claim of the Water Board shall be treated as senior to that of the claim of Mr. Cooper.
3. As of June 10, 2022, the total amount due and owing to the Water Board was \$11,248.53.
4. The Plan will pay the claim of the Water Board in full with interest at the statutory rate in accordance with 11 U.S.C. §511 (currently 14%) as an allowed secured claim.
5. All other terms regarding the treatment of the Water Board claim shall remain the same.

Dated: July 27, 2022
Kew Gardens, New York

Shiryak, Bowman, Anderson, Gill & Kadochnikov, LLP

/s/Btzalel Hirschhorn
By: Btzalel Hirschhorn, Esq.
Attorney for Debtor
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Dated: New York, New York

July 27, 2022

Hon. SYLVIA HINDS-RADIX
Corporation Counsel of the City of New York
Attorney for the City of New York

By: /s/ Hugh Shull

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